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| 10/801,205 | 03/16/2004 | Warren M. Farnworth | 2269-5774US (01-1281.00/U) | 3129 |
| 63162 7590 12/01/2008 TRASK BRITT, P.C./ MICRON TECHNOLOGY P.O. BOX 2550 SALT LAKE CITY, UT 84110 | | | | |
| EXAMINER | | | | |
| IM, JUNGHWAN M | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 2811 | | | | |
| NOTIFICATION DATE | | DELIVERY MODE | | |
| 12/01/2008 | | ELECTRONIC | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTOMail@traskbritt.com

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/801,205

Applicant(s)

FARNWORTH ET AL.

Examiner

JUNGHWA M. IM

Art Unit

2811

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 November 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Lynne A. Gurley/
Supervisory Patent Examiner, Art Unit 2811

Continuation of 11, does NOT place the application in condition for allowance because: the rejection ground(s) is maintained.

Applicants' main argument is that the combination of Yang/Tanaka does not teach or suggest all the claim limitations recited in claims 43 and 63. In detail, Applicants argue that "Applicants assert that neither the Yang et al. reference contains any teaching or suggestion whatsoever regarding such claim limitations in reference to the distribution circuits on the back of the semiconductor die as there are no bond pads not connected to any other semiconductor die nor the Takata et al. reference contains any teaching or suggestion whatsoever regarding electrode pads 17a and 17c in drawing Fig. 4 (See FIG. 1 where electrode pads 17c are clearly connected by wire bonds to leads of a lead frame as FIG. 4 is a cross-section through line IV-IV of FIG. 1) but only teaches or suggests the use of a die pad or support with a lead frame when the ratio of the combination of a semiconductor chip, ..." This is not persuasive. Note that the instant invention does not recite the limitation implying that the distribution circuits on the back of the semiconductor die. Rather, the instant invention recites that a bond pad is placed to distribute the forces on the semiconductor die. Tanaka shows this aspect.

Applicants argue that "Applicants assert that based on any teaching or suggestion the Takata et al. reference does not teach or suggest anything regarding a particular distribution pattern of a group of electrode pads and an increase the section modulus of the semiconductor chip for an encapsulated semiconductor chip and lead frame and has no applicable teaching or suggestion regarding the claim limitations of independent claims 43 and 64 whatsoever." This is not persuasive since the instant invention does not recite this aspect.

Applicants argue that "Further, Applicants assert that there has been no showing as to how such relates to any such claim limitations of independent claims 43 and 64, particularly to the claim limitations directed to '... decreasing stress acting on the surface of the semiconductor die by placing at least one bond pad on an inactive surface of the semiconductor die causing distribution of forces on at least a portion of the semiconductor die from stress on the semiconductor die from circuits located on the active surface of the semiconductor die.' " This is not persuasive. Tanaka shows that the center electrodes 17c are distributed electrodes and a parallel arrangement with other electrodes makes it possible to form a semiconductor package having a high rigidity (paragraph [0072]), that is, having the stress distributed over the semiconductor device rather than being localized in a certain area.

Applicants argue that "Applicants assert that absent a reason why one of ordinary skill in the art using 'common sense' would seek to combine the teachings or suggestions of the cited prior art to make the claimed combination of the cited prior art to solve a problem as set forth in the claim limitations of the claimed inventions, the proposed combination of the cited prior art does not establish a prima facie case of obviousness ..." Examiner disagrees since the office action includes the motivational statement.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Omiya, 189 SUP 607 (COCA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 SUP 209 (CCPA1971). References are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 SUP 595 (COCA) 1969.

In response to Applicant's argument that the Examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. In re McLaughlin, 443 F.2d 1392; 170 SUP 209 (COCA 1971).